

The Examiner further indicates that Zurek et al. discloses a speakerphone for use with a portable telephone, including echo cancellation software, and indicates that it would have been obvious to apply the speakerphone of Zurek et al. to the system of Meyer, Jr. et al. to provide a compact speakerphone device adaptable to a cellular telephone, which device can include sound insulation material disposed around the microphone in order to reduce howling.

Meyer, Jr. et al. discusses what is referred to as a cellular speakerphone device. The device is operable in a hands-free mode that is automatically interruptible to permit operation in a handset mode using an optional handset coupled to the speakerphone device, allowing positioning of the microphone close to the speaker's mouth.

Zurek et al. discusses a speakerphone accessory for a portable telephone. In the preferred embodiment, the processor of the portable telephone includes echo cancellation software.

Addressing first the rejection as applied to claims 19-23 and 35, neither Meyer, Jr. et al. or Zurek et al. contain any suggestion whatsoever of claimed features including, among other things, sound insulation positioned between a loudspeaker and a microphone, or a loudspeaker having an outlet that faces in a direction that is substantially normal to a plane of the housing and a microphone that faces in a second direction that is substantially normal to the plane of the housing. In fact, neither Meyer, Jr. et al. or Zurek et al. even mention, depict or suggest the use of sound insulation, or of directing a speaker outlet and facing a microphone in any particular manner.

As such, neither Meyer, Jr. et al. or Zurek et al., alone or in combination, disclose or suggest, among other things: attenuation circuitry and sound insulation to reduce

howling, as set forth in claim 19; means for insulating sound positioned within the housing, as set forth in claim 20 and 22; facing the outlet of the loudspeaker in a first direction substantively normal to a plane of the housing and the outlet of the microphone in a second direction substantively normal to the plane of the housing, as set forth in claim 23; and attenuation circuitry means and sound insulation means positioned between loudspeaker means and microphone means, to reduce howling, as set forth in claim 35.

For at least the above reasons, claims 19, 20, 22, 23, and 35 are patentable over the cited references. Claim 21, which depends from claim 20, is also patentable over the cited references. Therefore, claims 19-23 and 35 are patentable over the cited references.

With respect to claims 1-18 and 24-34, each of those claims sets forth, among other things, a portable hands-free adapter for use with a cellular telephone, including a housing containing a loudspeaker and a microphone, the housing being approximately pocket-sized. As discussed in detail below, neither Meyer, Jr., et al. or Zurek et al. disclose or suggest this feature.

The device discussed in Meyer, Jr. et al. is described as operable in a hands-free mode that is automatically interruptible to permit operation in a handset mode using an optional handset coupled to the speakerphone device, allowing positioning of the microphone close to the speaker's mouth. No further discussion is provided as to the size of the device or the distance between the speaker and microphone, and the external microphone attachment can only reduce portability of the device.

The Examiner indicates that the device discussed in Meyer, Jr. et al. is

approximately pocket-sized, citing Meyer, Jr. et al., Col. 9, line 1 – Col. 10, line 52, and FIGs. 1-2. Counsel for the applicants have carefully reviewed the cited passage and Figures discussed, however, and find no indication or suggestion that the device or any housing or the microphone and the speaker is or may be pocket-sized or approximately pocket-sized. In addition, it should be noted that, as stated in M.P.E.P. § 2125 citing Hockerson-Halberstadt, Inc. v. Avia Group Int'l, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000), when a reference does not disclose that drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. The cited passage of Meyer, Jr. et al. does not contain discussion as to dimensions, nothing in Meyer, Jr. et al. indicates that the figures are drawn to scale.

Zurek et al. discusses a speakerphone accessory for a portable telephone, but nothing in Zurek et al. indicates that the accessory is or may be pocket-sized or approximately pocket-sized. In the preferred embodiment, the accessory housing is described as being shaped to be usable in a variety of positions, and is further described as “. . . sized to support the speakerphone accessory 130 and portable telephone 102 in an upright position”. Zurich et al., Col. 5, lines 56-59. Furthermore, Zurek et al. appears to recognize the difficulty in providing effective speakerphone performance in a single housing, stating, with respect to an embodiment in which the speaker of the accessory is used along with the microphone of the separately housed portable telephone, “it will be appreciated that by using the microphone 210 in the portable telephone 102, improved echo cancellation is achieved because the microphone 210 and high-level speaker assembly 222 are enclosed in separate housing structures.” As such, nothing in Zurek et al. discloses or suggests that the accessory is or may be pocket-sized or approximately pocket-sized.

For at least the above reasons, neither Meyer, Jr. et al. or Zurek et al., alone or in combination, disclose or suggest, as set forth in claim 1, among other things, a portable hands-free adapter device for use with a cellular telephone, including a housing containing the loudspeaker and microphone, the housing being approximately pocket-sized.

Furthermore, neither Meyer, Jr. et al. or Zurek et al., alone or in combination, disclose or suggest, as set forth in claim 24, among other things, a method for making a portable speakerphone device adaptable for use with a cellular telephone, including providing pocket sized housing means defining an exterior of the device, and disposing loudspeaker means and microphone means within the housing.

Additionally and independently, the Examiner has not provided any evidence of suggestion or motivation in the prior art to combine the references to achieve the claimed invention, as is required for an obviousness rejection. See e.g. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 221 USPQ 929, 932, 933 (Fed. Cir. 1984); *In re Fritch*, 23USPQ 2d 1780, 1783 (Fed. Cir. 1992); *In re Oetiker*, 24 USPQ 2d 1443, 1446 (Fed. Cir. 1992). For example, since Meyer, Jr. et al. mentions only utilizing an external microphone to alleviate the problem of acoustic feedback, Meyer, Jr. et al., if anything, teaches away from the use of echo-cancellation software, as discussed in Zurek et al.

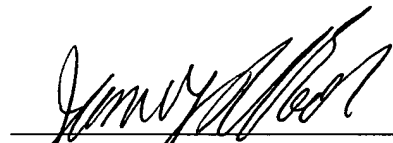
For at least the above reasons, claims 1 and 24 are patentable over the cited references. Claims 2-18 and 25-34, which depend, either directly or indirectly, from claims 1 and 19, are also patentable. Therefore, claims 1-18 and 24-34 are patentable over the cited references.

For at least the above reasons, claims 1-35 are patentable over the cited references. Therefore, the applicants respectfully request that the Examiner withdraw the rejection and allow the claims.

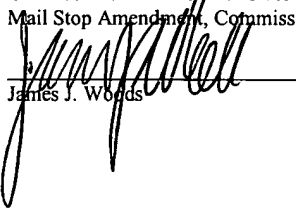
For all of the above reasons, the applicants respectfully request that the Examiner withdraw the rejection, and allowance of all the pending claims is respectfully solicited. To expedite prosecution of this application to allowance, the examiner is invited to call the applicants' undersigned representative to discuss any issues relating to this application.

Respectfully submitted,

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